

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HOTEL ROSLYN, LLC f/k/a ELLEN &
NILS, LLC and SKOBO, LLC,

Plaintiff,

v.

AMGUARD INSURANCE COMPANY, a
Pennsylvania corporation,
Defendant.

Case No. 2:22-cv-01344-TMC

ORDER ON DISCOVERY HEARING

On January 18, 2024, the Court heard the parties' oral arguments regarding Plaintiff Hotel Roslyn's motion for discovery sanctions. Dkt. 24. Additionally, the Court heard the parties' arguments regarding discovery related to audio recordings in AmGuard's possession and the scheduling of Hotel Roslyn's deposition of AmGuard's corporate representative under Federal Rule of Civil Procedure 30(b)(6). *See* Dkt. 32.

Based on the hearing and review of the parties' briefing and relevant law, for the reasons stated on the record, the Court found that Defendant AmGuard Insurance Company ("AmGuard") had violated Federal Rule of Civil Procedure 26(g) based on its failure to conduct a reasonably sufficient search for documents responsive to Hotel Roslyn's discovery requests.

1 Based on the standard of Federal Rule of Civil Procedure 26(g)(3), and as stated on the
2 record, the Court ORDERS the following sanctions be imposed on AmGuard:

- 3 • Payment to Hotel Roslyn of any reasonable expenses, including attorney's fees,
4 incurred to:
 - 5 ○ Obtain the missing responsive documents, such as by writing discovery
6 letters or emails and conducting telephone conferences;
 - 7 ○ Re-open depositions of witnesses who had already been deposed; and
 - 8 ○ Bring the instant motion for sanctions and to draft Hotel Roslyn's second
9 motion to extend the case schedule.

10 Within 7 days after entry of this order, Hotel Roslyn shall provide to AmGuard its
11 calculation of the above sanction, along with a copy of detailed billing records for any attorney's
12 fees and costs requested (with necessary redactions for privileged information). Within 7 days
13 after receiving Hotel Roslyn's calculation, the parties shall confer and attempt to reach
14 agreement on a stipulated amount. If the parties reach agreement, they may file a stipulated
15 motion and proposed order reflecting the agreed amount. If they cannot reach agreement, within
16 21 days of the meet and confer, Hotel Roslyn may file a fee petition setting out its basis for the
17 requested fees and expenses, including hourly rates and the time incurred. The motion shall be
18 noted and briefed according to the schedule and page limits of Local Civil Rule 7(d)(3).

19 Additionally, the Court orders that AmGuard:

- 20 • Make its corporate representative available for deposition by Hotel Roslyn under
21 Federal Rule of Civil Procedure 30(b)(6) no later than February 1, 2024; and
- 22 • At least two business days in advance of the 30(b)(6) deposition, provide a
23 written response to Hotel Roslyn regarding the audio recordings in AmGuard's
24 possession sought by Hotel Roslyn's discovery requests, stating what searches

1 have been conducted, and the status of the recordings, including which
2 recordings have been found or found to have been destroyed.

3 IT IS SO ORDERED.

4 Dated this 18th day of January, 2024.

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7 Tiffany M. Cartwright
8 United States District Judge
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